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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

) Magistrate Docket No. 1:45
SHERIFF, U.S. SOUTHERN

Plaintiff

v_o

Jose Aaron ALTAMIRANO AVILA

**AKA: Jesus HERNANDEZ
Roberto PULIDO MONTIEL**

) BY: *of*
) COMPLAINT FOR '08 MJ 02 13
) VIOLATION OF: DEPUTY
) TITLE 18 U.S.C. § 1544
) Misuse of Passport
)
)
)

The undersigned complainant, being duly sworn, states:

Count 1

On or about January 21, 2008, within the Southern District of California, defendant Jose Aaron ALTAMIRANO AVILA did knowingly and willfully use a passport issued or designed for the use of another, with the intent to gain admission into the United States in the following manner, to wit: Defendant applied for entry to the United States by presenting a US passport number 306508318 issued in the name Roberto PULIDO MONTIEL, to a Department of Homeland Security, Customs and Border Protection Officer, knowing full well that he was not Roberto PULIDO MONTIEL, that the passport was not issued or designed for his use, and that he is not a United States citizen entitled to a U.S. Passport.

Count 2

On or about January 23, 2008, within the Southern District of California, defendant Jose Aaron ALTAMIRANO AVILA did knowingly and willfully use a passport issued or designed for the use of another, with the intent to gain admission into the United States in the following manner, to wit: Defendant applied for entry to the United States by presenting US passport number 039117728 issued in the name Jesus HERNANDEZ, to a Department of Homeland Security, Customs and Border Protection Officer, knowing full well that he was not Jesus HERNANDEZ, that the passport was not issued or designed for his use, and that he is not a United States citizen entitled to a U.S. Passport.

All in violation of Title 18, United States Code, Section 1544.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Richard M. Escott
Senior Special Agent
U.S. Department of State
Diplomatic Security Service

SWORN AND SUBSCRIBED TO before me

This 24th day of January, 2008

UNITED STATES MAGISTRATE JUDGE

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PROBABLE CAUSE STATEMENT & STATEMENT OF FACTS

I, Richard Michael Escott, being duly sworn, declare under penalty of perjury that the following statement is true and correct:

1. I am a Senior Special Agent (SSA) with the U.S. Department of State, Diplomatic Security Service (DSS) assigned to the San Diego, CA Resident Office. I have been so employed for eight years and have investigated numerous violations involving the false application for and misuse of United States Passports and Visas.
2. During the performance of my duties, I have obtained evidence that Jose Aaron ALTAMIRANO AVILA, aka: Jesus HERNANDEZ used the passport issued for the use of another. This Affidavit is made in support of a complaint against DEFENDANT for violations of Title 18, U.S.C., Section 1544, Misuse of a Passport.
3. On 01/23/2008, at approximately 0740 hours, DEFENDANT presented himself to a Department of Homeland Security, Customs and Border Protection (CBP) Officer at the pedestrian lines of the San Ysidro Port of Entry, to apply for admission into the United States. DEFENDANT identified himself with US Passport number 039117728, bearing the name Jesus HERNANDEZ, DPOB 12/27/1987, California, and a photograph that did not bear the likeness of DEFENDANT. DEFENDANT was referred for secondary inspection. In secondary inspection, a fingerprint check revealed that DEFENDANT had attempted to gain entry into the US through the San Ysidro Port of Entry using another false US Passport and had been returned to Mexico.
4. On 01/23/2008, the Affiant was advised by a CPB Officer at the San Ysidro POE that DEFENDANT had been detained at the secondary inspection area of the San Ysidro POE.
5. On 01/23/2008, at approximately 1300 hours, DEFENDANT was retrieved from the pedestrian secondary inspection area and was brought to an interview room. The Affiant, assisted by a CBP Officer obtained consent from DEFENDANT to have his interview audio and video taped. DEFENDANT read his Miranda warning aloud in Spanish from a written copy. He indicated that he understood and waived his right to counsel. He admitted that his true name was Jose Aaron ALTAMIRANO AVILA, DPOB, 03/26/1981, Zácatepec, Morelos, Mexico. He stated that he was a citizen of Mexico and not a citizen of the United States. DEFENDANT admitted that on or about 01/21/2008 he paid a smuggler the equivalent of approximately \$20 for a false US passport, which he subsequently used the same day to apply for admission into the United States at the San Ysidro Port of Entry, and was detained and subsequently removed to Mexico that night. DEFENDANT only remembered that the first name on the passport was Roberto. Subsequent record checks revealed that on or about 01/21/2008 the DEFENDANT presented US Passport number 306508318, bearing the name Roberto PULIDO MONTIEL, DPOB 11/01/1967, Mexico.

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6. The DEFENDANT admitted that on or about 01/22/2008 he sought to buy another US passport on the streets of Tijuana. He found a smuggler and paid the equivalent of approximately \$20 for US passport number 039117728, bearing the name Jesus HERNANDEZ. DEFENDANT admitted to using the false passport, US passport number 039117728 to apply for entry into the US on 01/23/2008, at the Ysidro Port of Entry. DEFENDANT said that he had previously been living illegally in the United States, though initially denying having ever lived in the US. He admitted knowing that it was illegal use a US Passport in the name of another and to falsely claim to be a US Citizen. DEFENDANT made a recorded oral confession as to his true identity and to elements of the charge.

On the basis of the facts presented in this probable cause statement consisting of 2 pages, I find probable cause to believe that the defendant named in this probable cause statement committed the offenses on 01/21/2008 and 01/23/2008 - in violation of Title 18, United States Code, Section 1544: Misuse of a passport - when he knowingly and willfully used the passport belonging to another, Jesus HERNANDEZ and Roberto PULIDO MONTIEL, knowing that it was not issued or designed for his use, in order to gain admission into the United States.



Richard M. Escott
Senior Special Agent
U.S. Department of State
Diplomatic Security Service

01/24/2008